

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARTEZ ANTWINE MOODY,)
Plaintiff,)
v.) No. 4:17-CV-2528 JMB
ST. LOUIS DIVISION OF THE FEDERAL)
BUREAU OF INVESTIGATION,)
Defendant.)

ORDER

This matter is before the Court on review of the file. On October 4, 2017, plaintiff filed his complaint, a motion to appoint counsel, and a CJA 23 financial affidavit. Although plaintiff filed a financial affidavit, he did not submit a motion to proceed in forma pauperis. On October 20, 2017, the Court mailed plaintiff a copy of the Court's form Motion to Proceed In Forma Pauperis—Non Prisoner, and directed him to either pay the \$400 filing fee or submit a motion to proceed in forma pauperis.

Plaintiff has not complied with the Court's Order, and the time for doing so has passed. As a result, the Court will dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.¹

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

¹ The Court notes that plaintiff filed two prior actions against the Federal Bureau of Investigation, both of which were dismissed upon frivolity review under 28 U.S.C. § 1915(e)(2)(B). See *Moody v. Fed. Bureau of Investigation*, Case No. 4:16-CV-427 CDP (E.D. Mo. Apr. 4, 2016); *Moody v. Fed. Bureau of Investigation St. Louis Office*, Case No. 4:16-CV-325 RLW (E.D. Mo. Mar. 15, 2016). Here, because plaintiff has not moved to proceed in forma pauperis under § 1915, the Court will not review the complaint for frivolity.

A separate Order of Dismissal will accompany this Order.



John A. Ross
UNITED STATES DISTRICT JUDGE

Dated this 20th day of November, 2017.